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Suit Blames Cop, APD For Death

Family Alleges Cover-Up In Death of Wife, 26

By Sean Olson Journal Staff Writer

The death of an Albuquerque police officer's wife, according to a lawsuit filed Monday, may have been murder, and APD officers are alleged to have destroyed evidence that could point to the woman's husband.

Tera Chavez, 26, died late Oct. 20 or early Oct. 21, 2007. The lawsuit alleges that her husband, Albuquerque Police Department officer Levi Chavez, either shot her or drove her to suicide.

The wrongful death lawsuit names nine officers and Albuquerque Police Chief Ray Schultz. It makes other allegations that range from crimes, such as fraud, to a "sub-culture" of infidelity, to poor policies and practices by APD.

Tera Chavez's death in Los Lunas is still under investigation by the Valencia County Sheriff's Department. Levi Chavez has been named a "person of interest" in the investigation. He is on paid leave.

The suit was filed by attorney Brad Hall on behalf of Tera Chavez's estate.

Levi Chavez's attorney, David C. Serna, said Monday evening that the lawsuit is without merit.

"It's all old news. ... It doesn't really make for any evidence that is going anywhere," Serna said. He said he had not had time to thoroughly review the suit and would comment in detail later.

Deputy City Attorney Kathryn Levy said in an e-mail that the allegations "are serious and will be fully responded to in a court of law."

"APD has been in weekly contact with the Valencia County Sheriff's Office regarding the criminal investigation — APD has not, and will not, do anything to adversely affect the investigation," Levy said.

The lawsuit does not specify the amount of money it seeks from the city and Levi Chavez.

Multiple APD officers showed up at the Chavezes' home in Valencia County the evening of Oct. 21, 2007, after the Valencia department reported the death to the agency as a "courtesy," the lawsuit states.

It alleges that the officers spent nearly three hours in the crime scene, during which time they flushed blood evidence, removed bloody bedding and pieces of the mattress that Tera Chavez was on when she died.

Several pieces of evidence underneath the mattress and near the bed, including a small amount of marijuana, a cell phone bill and Tera Chavez's diary, were discovered by the APD officers, according to the lawsuit. The items were not where Tera Chavez usually kept them, and people close to her said she had previously blamed her husband for any marijuana in the house, the suit says.

The lawsuit names an APD lieutenant and two sergeants who were at the scene, as well as three unnamed police officers allegedly responsible for the destroyed and removed evidence as defendants. Another three unnamed officers responsible for Levi Chavez's training are also listed as defendants.

The lawsuit, citing interviews with relatives, friends and co-workers, paints a picture of a failing marriage that had Tera Chavez ready to "move on."

Tera Chavez allegedly told relatives months before her death that "if anything ever happens to me, Levi did it." Levi Chavez opened a \$100,000 life insurance policy on his wife a little more than two weeks before her death with coverage that includes suicide, according to the lawsuit.

Levi Chavez and "his cop friends" allegedly were involved in an insurance fraud scheme in which Tera Chavez was supposed to report her husband's truck stolen to the insurance company after he disposed of it with other officers, the suit says. It says Tera Chavez left a message with state investigators reporting the fraud three days before her death.

Interactions with co-workers, videos sent via cell phone to family members and other activities suggest Chavez was not suicidal the week of her death, the lawsuit states.

And even if she was suicidal, she was under the stress of multiple affairs — including one she participated in with another APD officer — and Levi Chavez's alleged threats to take custody of the couple's two children by spreading rumors about her depression, it says.

The lawsuit claims APD is partly responsible in Tera Chavez's death for:

Negligent training of its officers — specifically Levi Chavez, who the lawsuit claims would not have passed a thorough background check and psychological profile when he was hired by APD in late 2006.

Bad or nonexistent policy regarding safe storage of APD issued handguns for officers.

Tolerance of a "sub-culture" of APD officers and their wives who engaged in extramarital affairs.

Illegal activity among its officers that could not have been possible without the tools available for law enforcement officers — specifically, taking seized illegal drugs home and the alleged insurance scam.

Levy said plaintiffs can allege anything in a civil trial whether or not the accusations are true.

"The claims made in this case are without merit, are not supported by the facts or the law, and APD is confident a court will agree," she said.